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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,497	10/13/2000	Takafumi Fujisawa	397.18.01	9408

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EXAMINER

FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/20/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,497

Applicant(s)

FUJISAWA ET AL.

Examiner

Andrew C Flanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7-9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Best (U.S. Patent 5,393,073)

3. Regarding Claims 1, 8 and 14, Best discloses a video game system (col. 6 line 33) (i.e. an entertainment apparatus for executing various programs), a video game system connected by cable to one or more hand-held control units (col. 9 lines 63 – 65) (i.e. at least one manual controller for entering control requests from the user into said entertainment apparatus), a push button response from a player which results in the voice from the second character speaking the words selected by the player or responding to them (col. 5 lines 31 – 34), selecting a response by pushing a button from three alternative responses on a display which will result in different answers by the animated character (col. 8 lines 63 – 68)

(i.e. audio output means for selecting and outputting one of a plurality of sound sources based on a supplied sound output command), a video game system that generates a display on a TV screen (col. 6 lines 33 and 34) (i.e. a display unit for displaying images outputted from said entertainment apparatus) and the video

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game system includes a disk reader that reads digital data from a CD-ROM disk or other medium containing digital data from which the video game system receives digital data of compressed audio for voice and other sounds (col. 10 lines 1 – 7) (i.e. audio data processing means for registering extracted one of audio data introduced from an external source as one of said sound sources for said entertainment apparatus).

4. Regarding Claims 2 and 9, in addition to the elements stated above regarding claims 1 and 8, Best further discloses a push button response from a player which results in the voice from the second character speaking the words selected by the player or responding to them (col. 5 lines 31 – 34) and a disk which also includes digital data of compressed audio for voice and other sounds for display (col. 10 lines 5 – 7) (i.e. audio data extracting means for extracting audio data from the audio data introduced from the external source based on a control input entered from said manual controller and audio data registering means for registering the extracted audio data as one of said sound sources).

5. Regarding Claim 7, Best further discloses a push button response from a player which results in the voice from the second character speaking the words selected by the player or responding to them (col. 5 lines 31 – 34) and a disk which also includes digital data of compressed audio for voice and other sounds for display (col. 10 lines 5 – 7) (i.e. audio data processing means for registering extracted one of audio data introduced from an external source as one of said sound sources)

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best (U.S. Patent 5,393,073) in view of Keller (U.S. Patent 6,172,948).

7. Regarding Claims 3 and 10, in addition to the elements stated above regarding claims 1 and 8, Keller discloses to trim a stored sound track (col. 4 lines 40 and 41) (i.e. trimming means for trimming an excessive portion off said extracted audio data). One of ordinary skill in the art at the time of the invention would have been motivated to use Keller's trimming means on Best's entertainment apparatus in order to effectively manipulate dialog sequences. It is desirable to trim a track of audio or voice in a dialog sequence if another voice or audio segment interrupts the current audio or voice selection. This would prevent multiple voices from being spoken at once and thus the user would more easily understand the conversation.

9. Regarding Claims 4 and 11, in addition to the elements stated above regarding claims 1 and 8, Keller further discloses to convert a stored sound track so that the sound track has a different amplitude (col. 4 lines 41 and 42) (i.e. effect applying means for applying an effect to said extracted audio data).

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8. Regarding Claims 5 and 12, in addition to the elements stated above regarding claims 1 and 8, Keller further discloses to split a single stored sound track into a plurality of stored sound tracks (col. 4 lines 39 and 40) (i.e. audio data re-extracting means for re-extracting audio data from said extracted audio data).

9. Regarding Claims 6 and 13, in addition to the elements stated above regarding claims 5 and 12, Best further discloses that a player is presented with two or more alternatives to choose from which correspond to the menu of verbal expressions displayed on hand-held controller and that each of the alternative selections will result in a different verbal response (col. 9 lines 40 – 45) (i.e. selecting playback means for reproducing said extracted audio data according to a playback attribute selected according to a control input entered from said manual controller).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Flanders whose telephone number is (703) 305-0381. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER